

In the Matter of)
)
Amendment of the Commission's Rules to) WT Docket No. 04-435
Facilitate the Use of Cellular Telephones)
and other Wireless Devices Aboard)
Airborne Aircraft)

**COMMENTS OF TELECOMMUNICATIONS FOR THE DEAF, INC. AND
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK**

I. Background

¹ *In the Matter of Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephone and Other Wireless Devices Aboard Airborne Aircraft*, WT Docket No. 04-435, Notice of Proposed Rulemaking, released Feb. 15, 2005. In its April 5, 2005 Order in this proceeding, the Commission extended the comment filing deadline to May 26, 2005. *In the Matter of Amendment of the Commission's Rules to Facilitate the Use of Cellular Telephone and Other Wireless Devices Aboard Airborne Aircraft*, WT Docket No. 04-435, Order, released Apr. 5, 2005. Thus, these comments are timely filed.

DHHCAN, established in 1993, serves as the national coalition of organizations² representing the interests of deaf and/or hard of hearing citizens in public policy and legislative issues relating to rights, quality of life, equal access, and self-representation. DHHCAN also provides a forum for proactive discussion on issues of importance and movement toward universal, barrier-free access with emphasis on quality, certification, and standards.

II. Discussion

Through this proceeding, the FCC proposes to relax its ban on airborne usage of 800 MHz cellular handsets and to take other steps to facilitate the appropriate use of wireless handsets and devices on airborne aircraft.³ The NPRM explains how FCC rules currently expressly prohibit certain wireless devices, such as cellular telephones, from being operated aboard airborne aircraft. Other wireless devices, such as those in the Personal Communications Service and other services, are not subject to an express prohibition on airborne use.⁴ The NPRM hails the public safety and consumer benefits of adopting consistent, more flexible policies regarding use of wireless devices aboard aircraft. Accordingly, the NPRM tentatively concludes to replace existing bans on use of cellular handsets aboard aircraft with

² The member organizations of DHHCAN include the American Association of the Deaf-Blind (AADB), the American Deafness and Rehabilitation Association (ADARA), the Association of Late-Deafened Adults (ALDA), the American Society for Deaf Children (ASDC), the Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD), Communication Service for the Deaf (CSD), Deaf Seniors of America (DSA), Gallaudet University, Gallaudet University Alumni Association (GUAA), National Association of the Deaf (NAD), National Black Deaf Advocates (NBDA), National Catholic Office of the Deaf (NCOD), Registry of Interpreters for the Deaf (RID), Telecommunications for the Deaf Inc. (TDI), USA Deaf Sports Federation (USADSF), and The Caption Center/WGBH.

³ NPRM, at ¶ 1.

⁴ *Id.*, at ¶ 8.

more flexible policies designed to allow use of such devices as interference mitigation solutions are developed. The Joint Commenters do not express a position on whether the Commission should revise its rules to facilitate use of wireless devices aboard aircraft. However, to the extent the Commission concludes to take steps to facilitate use of wireless devices on airborne aircraft, the Joint Commenters urge the Commission to address the needs of individuals who are deaf and hard of hearing in this initiative.⁵

The Commission proposes to control handset operation aboard aircraft and mitigate interference through use of low-power airborne “pico cells.” The Commission acknowledges that development of an architecture in which a pico cell controls handsets using a variety of air interfaces presents technical challenges, and seeks comment on whether the Commission should mandate that “the pico cell cover a specific set of technologies so that all handsets on board aircraft are controlled by the pico cell.”⁶ To the extent the Commission concludes to authorize pico cells to facilitate airborne communications using wireless devices, the Joint Commenters urge the Commission to ensure that all hearing aid compatible handsets be able to use any pico cell solution or architecture adopted by the Commission. This result would be consistent with Section 20.19 of the Commission’s Rules, 47 C.F.R. § 20.19, which requires the offering of hearing aid

⁵ *Id.*, at ¶ 9. Notwithstanding the Commission’s rules regarding use of these devices, the Federal Aviation Administration (“FAA”) regulates the use of personal electronic devices (“PEDs”) aboard aircraft, including mobile telephones and other wireless communications devices, to ensure aviation safety. The FAA is currently studying the impact of PEDs on aircraft navigation and safety. Thus, any decision regarding whether PEDs will ultimately be allowed to operate aboard aircraft is subject to the FAA’s approval.

⁶ *Id.*, at ¶ 15.

compatible handsets to ensure that individuals who are deaf and hard of hearing receive the full benefits of wireless telecommunications services.⁷ Indeed, it would be a regrettable step backwards if the deaf and hard of hearing population were not able to use wireless devices aboard aircraft if technical solutions and regulatory rule changes were to enable other members of the public to do so.

The Commission also requests comment on the extent to which its proposed pico cell solution should be extended to Part 24 and Part 27 services. To the extent the Commission adopts its proposed pico cell solution, the Joint Commenters believe that the Commission should extend its proposed pico cell solution not only to Part 24 and Part 27 services, but to other wireless data services as well to facilitate provision of both voice and data communications aboard aircraft. As the Commission notes, there is increasing demand for mobile telephone and mobile data services aboard aircraft.⁸ The deaf and hard of hearing population, in particular, relies greatly on email, text messaging, and other wireless data services to communicate. Accordingly, to the extent the Commission decides to amend its rules to facilitate wireless communications aboard aircraft, the Joint Commenters urge the Commission to require that pico cells be compatible with wireless data devices,

⁷ 2004 Biennial Regulatory Review, WT Docket No. 04-180, Wireless Telecommunications Bureau Staff Report, at Appendix III (“The purpose of Section 20.19 is to facilitate access to telecommunications services for individuals with hearing disabilities thereby ensuring that individuals with hearing disabilities have access to the same public safety, social, professional, and convenience benefits offering by wireless telecommunications to all Americans.”).

⁸ NPRM, at ¶ 10. In addition, the Commission has recently revised the 800 MHz commercial Air-Ground Radiotelephone Service to facilitate the provision of new, innovative wireless telecommunications services, including broadband services, to the public onboard aircraft. See *Amendment of Part 22 of the Commission’s Rules To Benefit the Consumers of Air-Ground Telecommunications Services*, WT Docket No. 05-42, Report and Order and Notice of Proposed Rulemaking, released Feb. 22, 2005.

including personal digital assistants and paging devices. By requiring pico cells to be capable of supporting wireless data services, the Commission will greatly increase the range of key wireless services available aboard aircraft. The Joint Commenters observe that wireless data communications are especially suited for the close quarters of an airborne environment because, unlike wireless telephony, wireless data services do not have the potential to disrupt neighboring passengers. Building such broad capability into pico cells would not only benefit the deaf and hard of hearing population, but would benefit the public as a whole by providing subscribers the full range of wireless communications services they have come to rely on for professional, personal, and public safety purposes. Accordingly, to the extent the Commission concludes to allow pico cell technology to facilitate wireless communications while aboard aircraft, the Commission should extend its proposed pico cell solution not only to Part 24 and Part 27 services, but to other wireless data services as well.

III. Conclusion

To the extent the Commission concludes to revise its rules to facilitate use of wireless devices aboard aircraft, the Joint Commenters urge the Commission to consider the needs of the deaf and hard of hearing community in this initiative. Specifically, the Joint Commenters respectfully request that if the Commission concludes to implement pico cell technology to facilitate wireless communications aboard aircraft, that the pico cells be required to accommodate hearing aid compatible handsets. In addition, the Joint Commenters respectfully request that any pico cell technology adopted by the Commission be required to be compatible

not only with Part 24 and Part 27 services, but with wireless data devices, such as personal digital assistants and paging devices, to maximize the access and utility of wireless communications services aboard aircraft to individuals who are deaf and hard of hearing.

Respectfully submitted,

/S/

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